

## **REMARKS/ARGUMENTS**

This is intended to be a complete response to the Official Action mailed June 9, 2004, in which claims 1-5 were rejected.

### **Drawings**

In the official action, the drawings were objected to as not showing every feature of the claims, in particular that the drawings did not show the sleeve having a growing medium disposed therein without a pot.

Applicants respectfully traverse the objection on the basis that figures 2A and 4A show sleeves having growing medium therein without a pot (see last line of paragraph [0127], page 32). In view of the above applicants respectfully request reconsideration and withdrawal of the objection to the drawings.

### **Specification**

In the specification, the paragraph [0001] has been amended to show the abandoned status of applications 10/126,071 and 09/626,375.

### **Claims**

Applicant has amended claim 1 herein to overcome the objections to claim 1.

### **Rejection Under 35 U.S.C. § 103**

The claims stand rejected under 35 U.S.C. §103(a) over Le Mitouard (FR 2651663) in view of Edge (GB 2055031A) and Landau (U.S. 5,235,782).

Applicants respectfully traverse the rejection.

In the present invention, a tapered tubular sleeve having a gusset in the lower end and having a base portion and decorative upper skirt portion are used in a method for holding a growing medium and botanical item without a pot.

The French reference teaches a sleeve having overlapped folded portions 4 and 5 in the sidewall thereof with a plant and growing medium disposed therein.

In the rejection it is stated that it would be obvious to modify the French sleeve by the teachings of the British reference (placing gussets in the sides as shown in Fig. 2 of the British reference) or by the teachings of Landau which teaches a base portion and a decorative skirt portion.

The claims as pending herein are directed to a method of using a sleeve which has a base portion having a tapered portion and which has a gusset and which has a decorative skirt portion extending from the base portion.

The Landau sleeve has a base portion and a gusset therein, but the base portion is "cylindrical" not tapered (see 12 of Fig. 1 and lines 40-42, Col. 3 of Landau).

If the French reference was modified by the teachings of Landau in order to make the base have a gusseted lower end the base of the French sleeve would be made "cylindrical", which is contrary to the teachings of the French sleeve which is completely tapered. Moreover, there is no motivation to place a gusset into the lower end of the French sleeve for it would alter the decorative effect of the sleeve as contemplated in the figures of the French reference. In the present claims, the sleeve has a flattened bottom in the opened configuration.

In the French sleeve, it is clearly intended that the sleeve have a pointed bottom (not flat) to provide a decorative effect when the sleeve is suspended from a support device 11.

In view of the above, applicant respectfully requests reconsideration and withdrawal of the rejection of the claims.

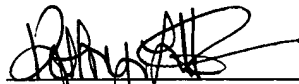
#### **Cited Secondary Art**

U.S. Patent 5,363,592 does not teach a sleeve with a gusset and therefore does not teach the sleeve as presently claimed.

### **Conclusion**

In view of the above, Applicant respectfully submits the application is now in a condition for allowance and respectfully requests issuance of a Notice of Allowance therefor.

Respectfully submitted,



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